

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE TWENTY EIGHTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT APPEAL NO.637 OF 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated
18/11/2003 in WP NO.14517 OF 1990 on the file of the High Court.)

Between:

The Deputy Executive Engineer,
Irrigation Sub-Division,
Kandukur, Prakasam District.

..... APPELLANT

AND

- 1 Sri Shaik Mowlali, S/o.Khasim Saheb,
R/o. Kandukur (M), Prakasam District.
- 2 The Presiding Officer, Labour Court, Guntur.

.....RESPONDENTS

Counsel for the Appellant: GP for Irrigation & Command Area Development

Counsel for the Respondent NO.1. MR.S.KHADER MOHIDDIN

The Court made the following Order: (per G.BIKSHAPATHY.J)

This Writ Appeal is filed by the appellant against the order of the learned Single Judge passed in W.P.No.14517 of 1990, dated 18-11-2003.

2. The 1st respondent-workman was appointed as NMR by the appellant. When the

services of the workman were terminated, he raised I.D.No.325 of 1988 before the Labour Court, Guntur. The said I.D was allowed directing the appellant herein to reinstate the 1st respondent-workman with continuity of service but without back wages. The appellant challenged said order before this Court in W.P.No.14517 of 1990. Initially, the writ petition was allowed and thereafter, the matter was carried in appeal in W.A No. 1093 of 2001 by the 1st respondent-workman. The Division Bench of this Court by order dated 23-07-2001 while setting aside the order of the learned Single Judge remitted the matter to the appropriate bench for fresh consideration. After remand, the learned single Judge dismissed the writ petition. Challenging the said order, the present writ appeal is filed.

3. Learned Counsel for the appellant contended that inasmuch as the 1st respondent-workman did not complete 240 days of service in order to get the protection under Section 25–F of the Industrial Disputes Act, 1947 (for short ‘the Act’), the Tribunal ought not to have granted the relief of continuity of service and also the learned Single Judge ought to have interfered with the award passed by the Labour Court.

4. We are afraid, we cannot accept the contention of the learned Government Pleader appearing for the appellant.

5. The Tribunal has gone into the aspect whether there was termination and also violation of Section 25-F of the Act. The Tribunal found that there is violation of Section 25-F of the Act and therefore, set aside the termination order and directed the reinstatement of the 1st respondent-workman.

6. In fact, learned Government Pleader fairly conceded that so far as other aspects of the matter is concerned, it may be difficult for him to come to a different conclusion than the one reached by the Labour Court in the said I.D.

7. Under these circumstances, we do not find any ground to interfere with the order of the learned Single Judge. Accordingly the writ appeal is dismissed. No costs.

usd

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. Sri Shaik Mowlali, S/o.Khasim Saheb,
R/o. Kandukur (M), Prakasam District.
- 2 The Presiding Officer, Labour Court, Guntur.
3. 2CCs to G.P. for Irrigation and Command Area

Development

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